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09/476,935	12/30/1999	Brian A. Weston	3524/5	8513

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EXAMINER	
KYLE, CHARLES R	

ART UNIT	PAPER NUMBER
3624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/476,935	Applicant(s) WESTON ET AL.	
	Examiner Charles R Kyle	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 October 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al in view of May.

Concerning Claim 1, Potter et al disclose the invention substantially as claimed, including:

In a system for conducting electronic trading of foreign exchange forwards (col. 9, lines 1-52; fig. 5, element 319; fig. 8);

a central server for tracking currency trades (col. 4, line 62 to col. 5, line 2; fig. 1, element 100);

a plurality of trading workstations (col. 3, lines 13-63; fig. 1, ele.10);

at least one remote server interfacing the trading workstations to the central server, wherein the at least one remote server mediates the currency trades between traders using the workstations by consulting pre-set trading configurations associated with each trader (col. 5, lines 38-41; fig. 2, ele. 124; col. 10, lines 24-40).

Potter et al do not specifically disclose pre-set trading configurations including temporary restrictions on a specified trader set by a first trader to put the specified trader in to a penalty box state. May teaches this feature at Col. 23, line1 to Col. 24, line 33 and the Abstract in the environment of foreign exchange trading, the same environment as Potter. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the placement of restriction on traders so as to put a trader in a penalty box state as taught by May in a combination with the invention disclosed by Potter et al because this would have spared traders from dealing with other traders who were over-extended or credit risks. Such an arrangement would have allowed a trader to set his level of risk acceptance by pre-setting credit limits for each counter-party trader.

As to Claim 11, Potter et al disclose the invention substantially as claimed, including:

In a method for conducting electronic trading of foreign exchange forwards (col. 9, lines 1-52; fig. 5, element 319; fig. 8);

receiving currency trades for foreign exchange forwards using a plurality of trading workstations for (col. 3, lines 13-63; fig. 1, ele.10);

tracking currency trades in a central server for (col. 4, line 62 to col. 5, line 2; fig. 1, element 100);

mediating the currency trades between traders using at least one remote server interfacing the trading workstations of respective traders to the central server, wherein the at least one remote server consults pre-set trading configurations associated with each trader (col. 5, lines 38-41; fig. 2, ele. 124; col. 10, lines 24-40).

Potter et al do not specifically disclose pre-set trading configurations including temporary restrictions on a specified trader set by a first trader to put the specified trader in to a penalty box state. May teach this feature at page 135, lines 4-10, in the environment of an auction. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the placement of restriction on traders so as to put a trader in a penalty box state as taught by May in a combination with the invention disclosed by Potter et al because this would have spared traders from dealing with other traders who were over-extended or credit risks. Such an arrangement would have allowed a trader to set his level of risk acceptance by pre-setting credit limits for each counter-party trader.

Claims 2-7, 12-17, 20-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al in view of May and further in view of Giovannoli.

Concerning Claim 2, Potter et al and May disclose the invention substantially as claimed. See the discussion of Claim 1 above. Potter et al and May do not disclose that pre-set trading configurations correspond to filter settings for at least on filter criterion, wherein trades from traders not meeting the filter criterion are blocked from view. Giovannoli discloses this filtering feature at col. 4, line 61 to col. 6, line 35. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the filtering feature disclosed by Giovannoli in a combination of Potter et al and May because this would have limited views of a trader to those trades which were more likely to result in more rapid, complete and profitable foreign exchange forward trades.

As to Claim 3, see the discussion of Claim 2 above and Potter et al further disclose credit rating restrictions as a filter criterion at col. 10, lines 24-40.

Regarding Claim 4, Giovannoli disclose geographic restrictions at the Abstract, lines 19-22. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included this criterion in a combination of Potter et al and May because this would have allowed a trader imposing such restriction to have excluded trades from areas which he or she found undesirable for reasons such as volatility, politics or simple personal preference.

Concerning Claim 5, Potter et al suggest a filter criterion of institution restrictions. Potter et al specifically disclose that some institutions may offer better trade conditions at col. 1, line 66 to col. 2, line 11.

> In setting the exchange rate, for a particular transaction, a bank faces a multitude of factors. One obvious factor is the current rate of exchange between banks for the two currencies the customer wishes to exchange. Further, depending on the size or nature of the relationship with a particular customer a bank may wish to quote that customer a more favorable rate. For example, if the customer has a large transaction or is a steady customer, the bank may wish to provide the customer a more favorable rate. Further, if the currency to be purchased is less stable because it is traded less often or the country issuing the currency is viewed as less stable, the bank may wish to protect itself by charging a premium.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided an institution filter as suggested by Potter et al because this would have allowed a trader to view trades from institutions which he or she knew to provide favorable trading and block trades from institutions known to offer less favorable trading.

As to Claim 6, Giovannoli discloses trade amount restrictions in the Abstract, lines 19-22. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used trade amount restrictions as disclosed by Giovannoli in a combination of Potter et al and May because this would have allowed a trader to view only those trades which were of a

volume which would be capable of effective trading by the trader. For example, the trader would have avoided trades which were neither too large nor too small for his or her purposes – a Goldilocks solution.

Concerning Claims 7 and 17, see the discussion of Claims 2 and 12 above and May disclose a filter (a credit limit) which includes temporary restrictions (restriction until the credit limit until sufficient credit becomes available to trade again) which restriction is used to block trades from the view of other traders (a penalty box state). It would have been obvious to one of ordinary skill in the art at the time of the invention to have included filtering for temporary restriction on a trader as taught by May in a combination with the invention disclosed by Potter et al because this would have penalized traders for unacceptable behaviors while keeping them in the population of potential trading partners over a longer time horizon, thus allowing for their improved performance.

Regarding Claim 12, Potter et al and May disclose the invention substantially as claimed. See the discussion of Claim 11 above. Potter et al and May do not disclose that pre-set trading configurations correspond to filter settings for at least on filter criterion, wherein mediating trades includes evaluation of trades using filters and blocking trades from traders not meeting the filter criterion are blocked from view. Giovannoli discloses this filtering feature at col. 4, line 61 to col. 6, line 35. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the filtering feature disclosed by Giovannoli in a combination of Potter et al and May because this would have limited views of a trader to those trades which were more likely to result in more rapid, complete and profitable foreign exchange forward trades.

As to Claims 13-16, see the discussion of Claims 3-6 above.

Regarding Claim 20, Potter et al discloses the use of a plurality of graphical user at workstations' interfaces for receiving inputs and displaying trading information at Figures 14-29. Potter et al and May do not specifically disclose the use of such graphical user interfaces to receive trader inputs to set respective trading configurations associated with each trader. Giovannoli disclose this feature at col. 4, line 61to col. 5, line 36. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the graphical user interfaces disclosed by Giovannoli in the combination of Potter et al and May because this would have provided a familiar and easily used method for providing input and output for foreign excahnge forwards trading.

As to Claims 21-23 see the discussion of Claims 2-4 above.

Concerning Claim 24, see the discussion of Claims 1 and 2 above.

Concerning Claim 26, see the discussion of Claims 1, 2 and 9 above.

Claims 8, 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al in view of May and further in view of Erickson.

Regarding Claims 8 and 18, Potter et al and May disclose the invention substantially as claimed. See the discussion of Claims 1 and 11 above. They do not specifically disclose in a remote server a database listing a set of other traders from which a trader may select a subset to whom he or she conveys a request-for-quote (RFQ) transmission. Erickson discloses a database in a remote server at Fig. 3A, elements 44 and 60 and the selection of other traders from that

database for RFQs at Abstract; col. 3, lines 13-51; col. 8, lines 28-38; col. 10, lines 32-40; col. 14, lines 41-55 and col. 16, lines 34-42. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the trader database in a remote server usable to select a subset of traders for conveyance of an RFQ as disclosed by Erickson in the combination of Potter et al and May because this would have allowed a trader to direct requests-for-quotes to those other traders deemed mostly likely to successfully complete trades.

With respect to Claim 25, see the discussion of Claims 1 and 8 above.

Claims 9-10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al in view of May and further in view of Cooke.

Regarding Claims 9 and 19, Potter et al and May disclose the invention substantially as claimed. See the discussion of Claims 1 and 11 above. Further, Potter et al disclose the use of telephones providing voice-based trading functionality at col. 2, lines 17-58, although they emphasize the electronic trading aspect of their invention. Cooke, however, discloses this voice-based trading functionality at page 4, fourth full paragraph and discloses its desirability. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the telephone-based trading functionality disclosed by Cooke in a combination of Potter et al and May because, as specifically stated by Cooke:

> The old world of voice brokering is rapidly being transformed rather than disappearing. Even in spot forex, where electronic brokers offer direct competition, it is doubtful that voice brokers will entirely disappear. For one thing, the electronic brokers don't want them to. Voice brokers add flexibility, thus contributing to liquidity. And although the banks themselves participate in EBS, it is not in the interest of their dealers to have the market dominated by one system.

As to Claim 10, see the discussion of Claims 2 and 9 above. Potter et al and May and Cooke do not show a plurality of trading workstations, groups and remote servers, although as noted in the treatment of the claims above these elements are disclosed. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided pluralities of functional elements in a system for the electronic trading of currency exchange forwards since it has been held that duplicating a part for a multiple effect is obvious. *In re Harza*, 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960).

Response to Arguments

Applicant's arguments filed 10/29/2003 have been fully considered but they are not persuasive. The substance of Applicants' arguments is that *May* fails to disclose that traders are prevented from trading for a predetermined time. The word predetermined is not present in the claims; the word temporary is present in the claims and this limitation is met by the disclosure of *May*. Applicant provides cites to his Specification for the concept of a predetermined penalty box period, which is more limited than temporary, but is unclaimed.

May does indeed disclose the concept of a temporary restriction on trading by a trader as set forth above.

The rejections are maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on Monday - Friday, 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

crk
December 4, 2003

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